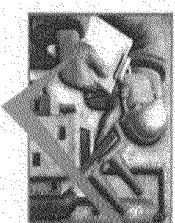




# COMPLIANCE PLUS SERVICES



September 25, 2013

Via UPS Ground

Mr. Richard Killian (3EC00)  
Office of Enforcement Compliance and  
Environmental Justice  
U.S. Environment Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

**RE: Response to August 29, 2013 Information Request for Super Salvage, Inc.,  
1711 1<sup>st</sup> Street SW, Washington, DC 20024**

Dear Mr. Killian,

Compliance Plus Services, Inc. ("CPS") is submitting the enclosed response on behalf of our client, Super Salvage, Inc. ("SSI"), to Questions 1 through 3 of the August 29, 2013 Information Request from the U.S. Environmental Protection Agency ("EPA") received by SSI on September 9, 2013. CPS subsequently requested and was granted an extension in the September 12, 2013 letter by the EPA for responding to Questions 4 through 28 of the Information Request. The response to the first three questions (1-3) is due September 27, 2013 and the response for the remaining questions (4-28) is due October 18, 2013.

The enclosed responses restate the questions cited in the EPA Information Request in **bold** text with the responses immediately following each question in *italicized* text. In addition, responses are supported by documents provided by SSI, where referenced, and are attached as Exhibits.

Please review the enclosed responses and contact me with any questions by phone at 215.734.1414 or electronically at [mlogan@cps-2comply.com](mailto:mlogan@cps-2comply.com). We will continue to address the responses to Questions 4 through 28 and provide those responses under separate cover.

Sincerely,

Michael D. Logan  
Vice President, Environmental Services  
Compliance Plus Services, Inc.

cc: Stephen Middelthon, Super Salvage, Inc.  
Robert Bullock, Super Salvage, Inc.


N:\LETTERS\4700-4799\4709 - Super Salvage - Response to Questions 1 through 3.docx

Mr. Richard Killian, EPA  
Super Salvage, Inc. – Information Request Response  
September 23, 2013  
Page 2 of 2

## CERTIFICATION:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Stephen Middelthon, President  
Name and Official Title of Owner/Operator

  
Signature

9/22/13  
Date Signed

## Initial Response to August 29, 2013 Information Request from U.S. Environmental Protection Agency ("EPA") for Super Salvage, Inc.

Provided below are the responses to Questions 1 through 3 of the August 29, 2013 Information Request issued by the U.S. Environmental Protection Agency ("EPA") to Super Salvage, Inc. ("SSI"). All responses provided below have been prepared by Compliance Plus Services, Inc. ("CPS") on behalf of SSI based on information supplied directly by Mr. Robert Bullock, CFO unless specifically referenced otherwise. For the sake of clarity, the responses provided herein restate the questions cited in the aforementioned Information Request. The EPA's questions are indicated in **bold** text with our responses immediately following in *italicized* text.

---

### General Questions:

#### 1. On what date and in which state was Super Salvage incorporated?

*Response: SSI was originally incorporated on 10/13/1950 in the State of Delaware. Mr. Bullock determined the date of incorporation after examination of Exhibit A: "Certificate of Amendment of Certificate of Incorporation" dated 07/18/1951.*

#### 2. List all facilities owned and/or operated by Super Salvage in the United States and provide the dates on which Super Salvage began operations at each facility, respectively.

*Response: SSI owns and operates 3 scrap metal recycling facilities at the following locations:*

- 1. 1711 1<sup>st</sup> Street SW, Washington DC 2002-3404 which began operations on leased ground on 03/08/1955. SSI then purchased the property on 11/4/1959.*
- 2. 130 Skipjack Rd, Prince Frederick, MD20678-3408 which was purchased on 07/15/2012 and began operations in August 2012.*
- 3. 44459 St Andrew Church Rd, California, MD 20619-7121 which was leased on 11/01/2009 and began operations in December 2009.*

#### 3. Does Super Salvage currently have or has ever had a formal agreement with any entity to store items on the property immediately north of the Super Salvage facility located at 1711 1<sup>st</sup> Street in Washington, DC (the Facility) – e.g., a lease or contract? If so, please provide a copy of that agreement. If not, please describe the nature of any verbal agreements and provide the names of the persons with whom that agreement was made. Please also indicate when such agreement began.

Response: SSI currently has a formal written agreement with the District of Columbia (DC) to lease 2,685.14 square feet of property located immediately north of the 1711 1<sup>st</sup> Street SW facility. This agreement began in September 1974 with 6823.25 square feet and was reduced to the current size in 2009. Mr. Bullock determined this information upon examination of Exhibit B: "Application for Permit to Occupy Public Space" dated July 11, 1974 and Exhibit C: "Public Space Permit No. B262372".

SSI also has a verbal agreement with Virginia Concrete to park roll-off containers on their property north and west of the leased public property. This handshake agreement between Robert Bullock of SSI and Ernie Grimsley, the Production Manager at Virginia Concrete, began in April 2010.

*Clarification for the locations in question is provided on Exhibit D: "Site Plan"*

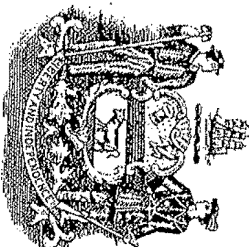
N:\#0326 - Super Salvage, Inc\Initial Response to August 29, 2013 EPA Information Request.docx



## **Exhibit A**

*Certificate of Amendment of  
Certificate of Incorporation  
Dated: 07/18/1951*

# State of Delaware

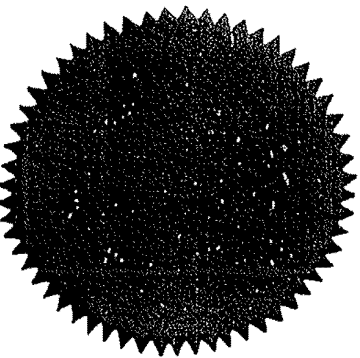


## Office of Secretary of State

I, *Haris B. McDowell, Jr.*, Secretary of State of the State of Delaware,  
do hereby certify that the above and foregoing is a true and correct copy of  
Certificate of Amendment of Certificate of Incorporation of the  
"SUPER SALVAGE, INC.", as received and filed in this office the  
eighteenth day of July, A.D. 1951 at 9 o'clock A.M.

AMENDED  
FILED

In Testimony Whereof, I have hereunto set my hand  
and official seal at Dover this eighteenth day  
of July in the year four thousand  
one hundred and fifty-one.



*Haris B. McDowell, Jr.*  
Secretary of State

CERTIFICATE OF AMENDMENT OF  
CERTIFICATE OF INCORPORATION

01216

SUPER SALVAGE, INC., a Corporation organized and existing under and by virtue of the provisions of an Act of the General Assembly of the State of Delaware entitled "An Act Providing a General Corporation Law," approved March 10, 1899, and the acts amendatory thereof and supplemental thereto, the Certificate of Incorporation of which was filed in the office of the Secretary of State of Delaware on October 13, 1959 and recorded in the office of the Recorder of Deeds for New Castle County, State of Delaware, on October 16, 1950, DOES HEREBY CERTIFY:

AMENDED

That, it appearing by the Certificate of the Judges appointed for the purpose of conducting an election at the special meeting of the Stockholders of the above Corporation held on the 16th day of July, 1951, in 309 Wire Bldg., Washington, D.C. at 11:30 o'clock A. M., for the consideration of the amendment hereinafter set forth, and the vote of the Stockholders for and against the adoption of said amendment, that the persons or bodies corporate holding the majority of the issued and outstanding voting stock of said Corporation have voted in favor thereof, the following amendment to the Certificate of Incorporation of the above Corporation was duly adopted in accordance with the provisions of Section 26 of the General Corporation Law of the State of Delaware, as amended:

"RESOLVED, That Article SECOND of the Certificate of Incorporation be amended so as to read as follows:

'SECOND: Its principal office in the State of Delaware is to be located at 927 Market Street, in the City of Wilmington, County



## **Exhibit B**

### *Application for Permit to Occupy Public Space*

ED-P-201  
Rev. 1/15/70

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
LICENSE AND PERMIT DIVISION  
PERMIT BRANCH

Permit No. A \_\_\_\_\_  
Permit Fee \$ \_\_\_\_\_

Deposit \$ \_\_\_\_\_

APPLICATION FOR PERMIT TO OCCUPY PUBLIC SPACE

(Write with typewriter or ink)

Washington, D. C., July 11, 1974

PERMISSION IS HEREBY REQUESTED TO OCCUPY PUBLIC SPACE TEMPORARILY  
Unit Block Potomac Ave. S.W., Southside, between Super Salvage, Inc.  
AT property line (Lot 802 Square 605), and D.C. property line lying

between former and railroad right of way, excluding projected access  
driveway (Sheet, address)  
OCCUPY CONTIGUOUS PUBLIC SPACE FOR storage of salvage materials (scrap  
iron, metals, etc) (Nature of Work)

IN ACCORDANCE WITH ATTACHED PLANS ON WEEKDAYS FROM 7 A.M. TO 5 P.M.;  
ON SATURDAY AND/OR SUNDAY FROM: 7 A.M. TO 1 P.M. PERMITTEE AGREES TO

HOLD HARMLESS THE UNITED STATES AND THE DISTRICT AND THE OFFICERS AND  
EMPLOYEES OF EACH OF THEM, FOR ANY LOSS OR DAMAGE ARISING OUT OF SUCH  
USE. IT IS UNDERSTOOD THAT SUCH USE IS TEMPORARY, AND THAT NO RIGHT,  
TITLE OR INTEREST IN SUCH PUBLIC SPACE IS CONVEYED BY PERMIT. UPON DE-  
MAND PERMITTEE WILL PROMPTLY REMOVE ANY PERSONAL PROPERTY ON SUCH  
PUBLIC SPACE, OR REIMBURSE THE DISTRICT FOR COST OF MOVING SUCH PROP-  
ERTY. ALL PROVISIONS OF ARTICLE 43 D.C. POLICE REGULATIONS WILL BE STRICTLY  
ADHERED TO. A CLEAR PEDESTRIAN PASSAGEWAY OF feet of SIDEWALK WILL  
BE MAINTAINED AT ALL TIMES.

CONDITIONS OF APPLICATION AND PERMIT

The applicant, or the applicant's authorized agent, in affixing his or its signature hereto and in accepting any per-  
mit issued on the basis of this application, agrees that the applicant and any person, firm or corporation employed by the  
applicant, when working on or occupying public space as authorized by the said permit, whether such work or occupancy  
is on, under, or above the surface of such space, will comply with the following conditions:

(1) That the performance of such work or the occupancy of such space shall be strictly in accordance with the condi-  
tions set forth herein and on both sides of the permit authorizing such work or occupancy of public space.

(2) That the performance of such work or the occupancy of such space as authorized by the said permit shall be  
in full compliance with all applicable laws and regulations of the District of Columbia.

(Read additional Conditions on reverse side)

DO NOT CUT OR INJURE SHADE TREES, OR PILE EARTH OR OTHER MATERIAL WITHIN THREE (3) FEET OF  
TREES. THE PERMIT WILL BE REVOCABLE AT THE DISCRETION OF THE COMMISSIONERS, D. C. THE PERMIT  
MUST BE KEPT ON THE SITE DURING THE PROGRESS OF WORK.

RESERVED FOR APPROVALS

I HAVE READ AND UNDERSTAND THE CONDITIONS SET FORTH ON  
THIS APPLICATION, AND I FURTHER UNDERSTAND THAT PENAL-  
TIES ARE PROVIDED FOR FURNISHING FALSE INFORMATION.

Super Salvage, Inc.

(Please print. Name of applicant)

BY:

(Signature in ink) of applicant, authorized agent  
Robert R. Kaplan, Treasurer

1711 - 1st Street, S.W.

Washington, D.C.

(Signature of applicant or authorized agent of applicant)

ED-P-150  
6-16-71.

DEPARTMENT OF ECONOMIC DEVELOPMENT  
OFFICE OF LICENSES AND PERMITS  
PERMIT BRANCH 4105

INFORMATION RELATIVE TO D. C. PUBLIC SPACE RENTAL ACT  
(P. L. 90-596 of OCTOBER 17, 1968)

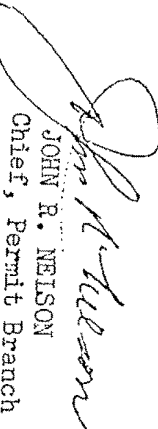
The subject Act provides that OWNERS of business property abutting public space, in areas zoned other than R or SP in the Zoning Regulations of the District, may rent so much of the surface space on which their properties abut as the Public Space Committee determines as not required for use of the general public.

The following documents must accompany each rental request:

1. Application (Form LI-P-201), in duplicate, signed by owner of abutting property-- not owner of abutting business.
  2. Insurance policy(not certificate of insurance) with the appropriate endorsements as shown on enclosed form ED-P-112. *(check)*
  3. Permit fee \$60.75--check or money order payable to D. C. Treasurer.
  4. Notarized copy of rental agreement if surface space is to be used by other than owner of abutting property.
  5. 12 copies of plat or drawing indicating to scale, the amount of surface space to be used. Any questions concerning the propriety of the drawings should be directed to the Highway representative, telephone 629-2321 or 2323.
- In addition to the above, if the space to be leased is in the "Shipstead-Luce" or "Old Georgetown" areas, the applicant must include a full description, including one or more sketches or renderings in color and perspective of the use proposed to be made of such surface space and file Form ED-P-67 for submission to The Commission of Fine Arts.

The rental fee will be determined by The Director of Finance and Revenue and will be based on a percentage of the assessed value of an equivalent area of the privately owned space immediately abutting the space so utilized. The percentage rate will be either 5% or 4% per annum depending upon nature of the use.

Should you require additional information or assistance in filing your application please call 629-2001.

  
JOHN R. NEILSON  
Chief, Permit Branch



ED-P-112  
3/8/62

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
OFFICE OF LICENSES AND PERMITS  
PERMIT BRANCH

INSURANCE REQUIREMENTS

It is required that you furnish a public liability insurance policy made out in the name of, and for the sole benefit of THE DISTRICT OF COLUMBIA, A MUNICIPAL CORPORATION, and its officers and employees, covering all use of public space by the permittee.

Coverage shall be in the following amounts:

- \$ 100,000.....Each Individual
- 500,000.....Each Accident
- 10,000.....Property Damage

The following endorsements are required, and must be included in all insurance policies covering occupation of public space.

a. Description of Premises Covered

The following description of public space is to be included in the policy. "So much of the public space adjacent or contiguous to lot(s)....., Square..... otherwise known as premises

as said public space is described in a certain permit, authorizing....., Washington, D. C. .... issued to ..... by the District of Columbia."

b. Definition Extensions

"It is hereby understood and agreed that the definition of 'Hazards (Premises-Operations)', and the definition of 'premises', as used in this policy, are extended to include the following:

All liability arising from operations conducted in or on the described premises"

c. Governmental Immunity Endorsement

"In consideration of the premium charges at which this policy is written, the Company agrees that, in any suit or suits which may be brought against the named insured arising out of any accident covered hereby, the Company will not plead the defense that the insured was exercising or had available to it the defense of governmental function, unless the insured shall have in writing directed the Company to plead such defense in which event the Company will so plead and will defend on such grounds."

d. Cancellation Clause

The cancellation clause of this insurance policy is changed to read, in part, as follows: This policy may be cancelled by the Company by mail-written notice to the named insured - THE DISTRICT OF COLUMBIA at the DISTRICT BUILDING 14th and E Streets, N. W., Washington, D. C., 20004, attention: MAYOR-COMMISSIONER stating when not less than 30 days after receipt of such written notice by said MAYOR-COMMISSIONER such cancellation shall be effective.

## **Exhibit C**

*Public Space Permit No. B262372*



Form ED-P-702

**PUBLIC SPACE PERMIT**Date **10-1-74** (Type)**FENCE**

U. C. NO.

PERMIT NO.

**B262372**

Address of work:

**1711 FIRST ST., S.W.**

Lot

Square

Permission is hereby granted to: **JUPER SALVAGE INC.**PERMIT FEE **\$ 8.00****P  
E  
R  
M  
I  
T**

to perform the work described herein at the address shown above in strict accordance with the conditions stated on BOTH sides of this permit.

**TO ERECT CHAIN LINK FENCE, SIX (6) FEET HIGH, ON PUBLIC SPACE, RENTED TO****APPLICANT SEPT. 17, 1974 194.95 FEET AT PREMISES NO. 1711 FIRST ST., S.W.****UNIT BLOCK POTOMAC AVE., S.W. LOT 802, SQUARE 605, BETWEEN 1ST STREET AND 2ND STREET****DEPT. OF ECONOMIC DEVELOPMENT, GOV'T. OF DIST. OF COL.**

O.H.

Drawing No.

Cut No.

Job No.

Chief, Permit Branch

THIS PERMIT EXPIRES:

**XXXX 1-1-75**

By:

**E. WISE**

Permit Clerk.



## **Exhibit D**

### *Site Plan*

